

Congress of the United States

Washington, DC 20515

April 7, 2017

The Honorable Rodney P. Frelinghuysen
Chairman
House Appropriations Committee
Washington, D.C. 20515

The Honorable Nita Lowey
Ranking Member
House Appropriations Committee
Washington, D.C. 20515

The Honorable Robert Aderholt
Chairman
House Appropriations Subcommittee on
Agriculture, Rural Development, Food and
Drug Administration, and Related Agencies
Washington D.C. 20515

The Honorable Sanford Bishop
Ranking Member
House Appropriations Subcommittee on
Agriculture, Rural Development, Food and
Drug Administration, and Related Agencies
Washington D.C. 20515-6015

Dear Chairman Frelinghuysen, Ranking Member Lowey, Subcommittee Chair Aderholt, and Ranking Member Bishop:

As you prepare the final fiscal year 2017 appropriations, we urge you to include, H.R. 772, the Common Sense Nutrition Disclosure Act, in its entirety to immediately provide relief from the Food and Drug Administration's (FDA) menu labeling regulations before the May 5, 2017 compliance date. This legislation currently has 58 bipartisan cosponsors in the House and enjoys bipartisan support in the Senate. Additionally, the House passed this legislation in the 114th Congress through regular order and with a strong bipartisan vote of 266-144.

The Common Sense Nutrition Disclosure Act modifies the FDA's final menu labeling regulation (79 FR 71155) to allow for flexibility for restaurants and other retailers, like convenience stores, grocery stores, and pizza delivery stores, in how they provide nutritional information as required under current law in a way that makes sense for their stores and customers. In no way does the language limit or reduce the nutritional information provided to individuals – and all the businesses covered by the regulation will remain accountable once the legislation becomes law.

Over the past several years, appropriation bills have included report language, a joint managers' statement, and base text urging the FDA to provide flexibility in their menu labeling regulation, particularly when applying it outside the scope of chain restaurants and standardized food items. Regrettably, the FDA has continually failed to provide flexibility to food retailers during the regulatory process to make these overly complex regulations workable.

Immediate enactment of the Common Sense Nutrition Disclosure Act is critically important as it is the only legislative solution to reconcile this regulation ahead of its full compliance date. A

failure to do so will force America's business owners to begin -- if they haven't already -- preparation for compliance to avoid civil and criminal penalties of up to a \$1,000 fine, one year in prison, or both. That compliance comes at a high cost. According to the FDA's final rule, the estimated cost of compliance will amount to nearly \$1.7 billion coupled with some 14.5 million hours of paperwork. We should not be placing these additional burdens on the backs of our small business owners who have already worked so hard to establish their own restaurants, grocery stores, or convenience stores in the current unpredictable economic climate without giving them the flexibility they need to actually comply with the regulations.

We understand the challenges you face in coming to an agreement on final appropriations for fiscal year 2017, but believe the inclusion of this bipartisan language is critical given the impending challenges businesses face complying with the FDA's menu labeling regulations before enforcement begins on May 5, 2017.

Thank you for your consideration of this important request.

Sincerely,



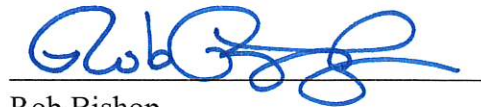
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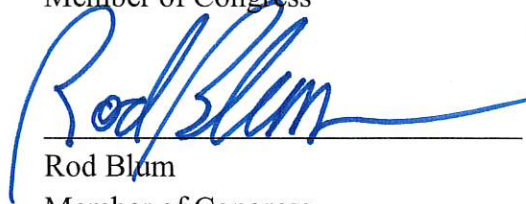
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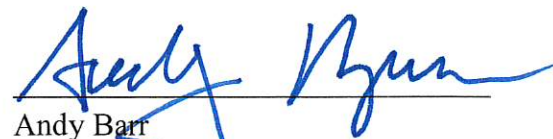
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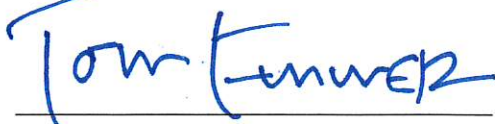
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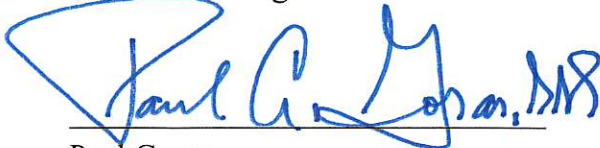
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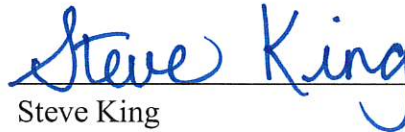
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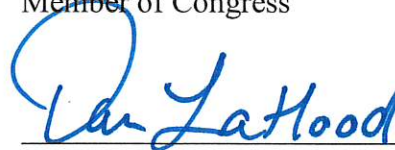
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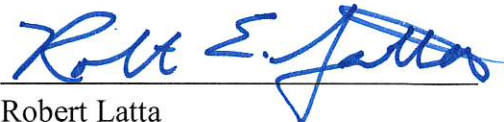
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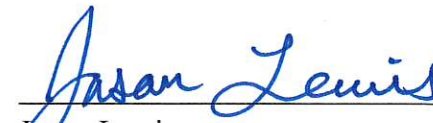
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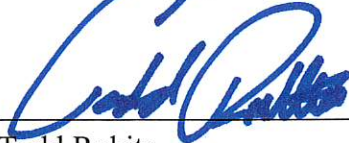
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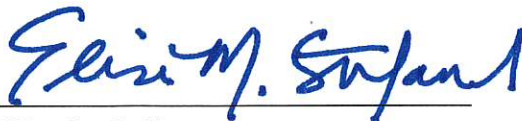
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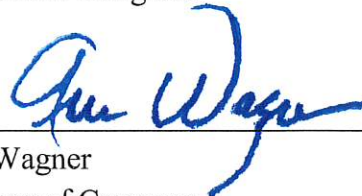
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